

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Richard P., by and for R.P. , and Denise L.,)
by and for K.L. ,)
)
Plaintiffs)
)
v.)
) Civil Action No. 03-390 Erie
SCHOOL DISTRICT OF THE CITY)
OF ERIE, PENNSYLVANIA and)
LINDA L. CAPPABIANCA , Individually)
and in her Capacity as Assistant Principal)
of Strong Vincent High School,)
)
Defendants) JURY TRIAL DEMANDED

DEFENDANTS' APPLICATION FOR ADDITIONAL VOIR DIRE

Defendants The School District of the City of Erie, Pennsylvania and Linda L. Cappabianca respectfully submit the following Defendants' Application for Additional *Voir Dire*, requesting that the following questions be posed to the jurors in addition to those set forth in W.D.PA.LR 47.1.B.

1. This case has been brought by plaintiffs Rachel Polancy and Kristina Long against the defendants Erie School District and Linda Cappabianca, and it involves the rape of the plaintiffs in the late fall of 2001 near Strong Vincent High School where, at the time, Rachel and Kristina were middle school students, and alleged subsequent sexual harassment of Rachel and Kristina by other Strong Vincent students. The assailants were Strong Vincent students and the plaintiffs say they were also among the students who harassed them. The plaintiffs allege that Linda Cappabianca who, at the time, was the Assistant Principal of the Strong Vincent middle school, and Janet Woods, who was the Principal of Strong Vincent, were aware that the plaintiffs were raped and sexual harassed and they were deliberately indifferent to the harassment, allowing it to continue. Rachel Polancy also contends that Linda Cappabianca

falsely stated to another person that Rachel was promiscuous, damaging her reputation. The defendants contend that when they discovered that the rapes occurred and were told about the sexual harassment, they immediately took appropriate steps to address the situation, which included reporting the rapes to the police. Linda Cappabianca states that she did not accuse Rachel of being promiscuous. Do you know anything about this case?

2. Do you know any of the following persons, who may testify as witnesses in this case?

Pamela Barber

Charles Bibbs, Jr.

Robert Blakely

Matthew Bogardus

Antonio Flemings

Stanley Green, Jr.

Robin Johnson

Denise Long

Walter Love

Charlise Moore

Richard Polancy

Stephen Schachner, Ph.D.

Vikki Scully

Ronald Slupski

Mary Ann Tempestini

Janet Woods

3. Have you or any member of your immediate family ever been a victim of a sexual assault?
4. Have you or any member of your immediate family ever filed a claim of discrimination?
5. Have you or any member of your immediate family ever been treated unfairly or improperly by a school official or school teacher?
6. Would you be less likely to believe the testimony of a school official or school teacher than another person merely because he or she is a school official or school teacher?
7. Is there any reason you believe you cannot be a fair and impartial juror in this case?

Respectfully submitted,

/s/ James T. Marnen
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Pennsylvania and Linda L. Cappabianca

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Defendants)
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) **JURY TRIAL DEMANDED**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of January, 2006, a copy of the
within document was served on all counsel of record and unrepresented parties in accordance
with the applicable rules of court.

/s/ James T. Marnen
James T. Marnen

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